

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 333 of 2003

Jabalpur, this the 27<sup>th</sup> day of August, 2003.

Hon'ble Mr. D.C. Verma, Vice Chairman (Judicial)  
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

R.P. Khare, son of late Shri R.B. Khare  
aged 53 years, presently posted as  
Superintendent, Central Excise, Sagar,  
resident of 752, Anjur Colony,  
Makronia, Sagar, M.P.

APPLICANT

(By Advocate - Shri M.K. Verma)

VERSUS

1. Union of India, through Secretary,  
Ministry of Finance,  
Department of Revenue, North Block,  
New Delhi 110001
2. Commissioner, Central Excise,  
Central Revenue Building, Opposite  
Central India Floor Mill,  
Hoshangabad Road,  
Bhopal M.P.

RESPONDENTS

(By Advocate - Shri B. Dasilva)

Q R D E R

By Anand Kumar Bhatt, Administrative Member -

This Original Application is against the order  
dated 08.05.2003 (Annexure A-4) transferring the  
applicant from Sagar to Bhopal.

2. The facts of the case in brief are that the  
applicant joined the Department in 1971 and he was  
transferred from Bhopal to Sagar in October 2002 at  
his own request on the ground that his wife is working  
as a Teacher in the Government Primary School of the  
Madhya Pradesh Government. After this transfer he was  
again transferred within a short period of about 7  
months. The grounds taken by the applicant are that as  
per transfer guidelines of the Department, normal  
tenure of Grade-B officers are 4 years and his trans-

er after such a short period from Sagar, which was done on his own request is malafide. The Vth Pay Commission has recommended that to the extent possible the husband and wife should be posted together. The applicant's wife is staying alone with his daughter at Sagar and his son is away in an Engineering College.

3. The respondents have on the other hand stated that the Department has been extra kind to the applicant. In December 1995 he was transferred from Raipur to Sagar, and after completion of four years at Sagar he was transferred to Bhopal in 1999. Once again before completion of the normal tenure of the 4 years he was transferred back to Sagar in October 2002. The transfer has been done on administrative reasons and the transfer guidelines are not mandatory. Out of total service of 24 years in the executive cadre of the applicant since 1979, he has ~~settled~~ <sup>been in</sup> in Sagar division for almost 16 years. The applicant is in the habit of creating nuisance ~~with~~ <sup>to</sup> his senior officers. The previous Assistant Commissioner of Sagar observed that the applicant was not a disciplined officer. The next Assistant Commissioner also requested the Commissioner, Central Excise, Bhopal, that his transfer from Sagar should not be cancelled.

4. We have heard the learned counsel for both the sides and have gone through the pleadings.

5. Whereas, as a general policy an official is allowed to complete the normal tenure at the place of his posting, which in the present case is 4 years, It is not necessary to follow this, as for administrative

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reasons transfers can always be made before the completion of the period. The argument put-forward by the learned counsel for the applicant that this was not an administrative transfer and his name was included in the name of adverse transfers is not sustainable and in agree with we ~~have~~ of the frank admission on the part of the respondents that his transfer has been made on the administrative grounds. Similarly there are instructions to the effect that husband and wife should be posted together but this is done only to the extent possible and such guidelines in do not over-ride the administrative exigency. The official has been transferred within the zone and since 1979 the applicant has managed to stay for almost 16 years at Sagar. We are not convinced that the impugned transfer order in regard to the applicant requires interference from our selves side.

6. In the result the Original Application is dismissed. No costs.

Anand Kumar Bhatt  
(Anand Kumar Bhatt)  
Administrative Member

D.C. Verma  
(D.C. Verma)  
Vice Chairman (Judicial)

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प्रठाकेन रां ओ/न्या..... जबलपुर, दि.....  
परिविधि वार्षिक वित्त वर्ष.....  
(1) राजीव बहु विवाही, जबलपुर  
(2) राजीव बहु विवाही, जबलपुर  
(3) प्रवासी विवाही, जबलपुर  
(4) विवाही विवाही, जबलपुर विवाही  
रूपाना एवं आवश्यक कार्यवाही हेतु

M K Verma - DC  
B clasica - adde

Subhash Kumar

27/8/03

Issued  
on 28.8.03  
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